

No. 10033-4Lab-75/27646.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Unique Erectors (GUJ) Private Limited C/o Power House Bata Chowk, N.I.T., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 61 of 1975
between

SHRI SANTA SINGH WORKMAN AND THE MANAGEMENT OF M/S UNIQUE ERECTORS
(GUJ) PRIVATE LIMITED, C/O POWER HOUSE, BATA CHOWK, N.I.T., FARIDABAD

Present—

Neither party present.

AWARD

By order No. ID/FD/75/14116, dated 10th March, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Unique Erectors (GUJ) Private Limited C/o Power House, Bata Chowk, N.I.T., Faridabad and its workman Shri Santa Singh to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Santa Singh was justified and in order? If not, to what relief is he entitled?

Shri Roshan Lal Sharma, representative of the workman is absent despite being directed to appear before me.

Report has been received that the management were not found available on the address as stated in the reference and as initially supplied by the workman, *vide* notice of demand. It seems that neither party is interested in pursuing the reference and there is now no dispute between them requiring adjudication. I as such return a no dispute award.

MOHAN LAL JAIN,

Dated 20th August, 1975

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10032-4 Lab-75/27648.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sovrin Knit Works, 20/4, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 126 of 1975

between

THE WORKMAN AND THE MANAGEMENT OF M/S SOVRIN KNIT WORKS, 21/4,
MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/75/39893, dated 10th July, 1975, of the Governor of Haryana, referred the following disputes between the management of M/s Sovrin Knit Works, 20/4, Mathura Road, Faridabad, and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

(1) Whether the workmen are entitled to the grant of dearness allowance? If so, with what details?

(2) Whether the workmen working in the night shift should be paid any night allowance? If so, with what details?

None is present on behalf of the workmen despite full notice of the date of hearing of this case, — *vide* signatures dated 23rd July, 1975 and 5th August, 1975 of the representative of the workmen. *Ex-parte* proceedings are, therefore, taken up against the workmen.

It would appear from the dispute as referred to this Tribunal by the Government that the burden to prove the factum and validity of the demands raised has been squarely placed on the workmen. In absence of the workmen and their disclination thus to pursue their demands and to substantiate the same before the Tribunal, I have no alternative but to answer the question raised by way of dispute against the workmen. I accordingly hold on the issues raised in the reference that the workmen are not entitled to the grant of dearness allowance or any night allowance besides their wages as consideration for their working during night shift. I answer the reference accordingly.

Dated 25th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1412, dated 26th August, 1975

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 26th July, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No.10082-4Lab-75/27650.—In pursuance of the provisions section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Northern India Plywood, 12/3, Mathura Road, Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD**

Reference No. 56 of 1973

between

**SIRI MARRIAPPAN WORKMAN AND THE MANAGEMENT OF M/S NORTHERN
INDIA PLYWOOD, 12/3 MATHURA ROAD, FARIDABAD**

AWARD

By order No. ID/FD/73/18274, dated 26th August, 1973, the Governor of Haryana, referred the following dispute between the management of M/S Northern India Plywood, 12/3 Mathura Road, Faridabad and its workman Shri V. Marriappan to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of Industrial dispute Act, 1947.

Whether the termination of services of Shri V. Marriappan was justified and in order ?
If not, to what relief is he entitled ?

Usual notices of the reference having been issued to the parties, they appeared before this Tribunal through their authorised agents. Whereas the workman filed his statement of claim, the management filed his written reply. Issues were framed in the case.

Shri Roshan Lal authorised representative of the workman appearing before me made a statement on 26th August, 1975 that the workman had left for an unknown place and he had no instruction to pursue the case and that the same may be filed.

It would thus appear from the statement of Shri Roshan Lal that the workman is not interested in pursuing the demands raised by him on the management and that there is no dispute between the parties requiring adjudication. I hold accordingly and return a no-dispute award.

Dated 27th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 1452, dated 20th August, 1975.

Forwarded four copies to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 27th August, 1975.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 18th September, 1975

No. 10167-5-Lab.-75/28061.—The following draft rules which the Governor of Haryana, propose to make, in exercise of powers conferred by section 112 of the Factories Act, 1948 (Central Act 63 of 1948) are published as required by section 115 of the said Act, for the information of persons likely to be affected thereby.

Notice is hereby given that draft rules will be taken into consideration by the Government on or after the expiry of a period of three months from the date of publication of this notification in the official Gazette together with objections or suggestions, if any, which may be received by the Chief Inspector of Factories, Haryana, Chandigarh from any person in respect of the draft rules before the expiry of period so specified, namely :—

DRAFT RULES

1. Short title, extent and commencement.—(1) These rules may be called the Factories (Haryana) Exempting Rules, 1975.

(2) They shall extend to the whole of the State of Haryana.

(3) They shall come into force at once and shall remain in force for a period of three years from the date of their commencement.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Factories Act, 1948 ;

(b) "Chief Inspector" means the Chief Inspector of Factories, Haryana ; and

(c) "Manager" means the person responsible to the occupier for the working of the factory for the purpose of the Act.

3. Persons holding position of supervision or management.—(1) The following persons in factories, other than sugar factories, shall be deemed to hold positions of supervision or management ; provided they are not required to perform manual labour as regular part of their duties :—

(i) Manager.

(ii) General Manager.

(iii) Factory Manager.

(iv) Deputy Manager.

(v) Deputy General Manager.

(vi) Assistant Manager.

(vii) Assistant Factory Manager.

(viii) Labour Welfare Officer.

(ix) Chief Welfare Officer.

(x) Assistant Welfare Officer.

(xi) Heads of Technical Departments.

(xii) Engineers.

(xiii) Assistant Engineers.

(xiv) Foreman.

(xv) Electrician Incharge.

(xvi) Secretary to the Managing Agent.

(xvii) Personal Assistant to the Managing Agent.

(xviii) Personal Assistant to the General Manager.

(xix) Overseers.

(xx) Supervisors.

(xxi) Paper Makers (Incharge of the Paper-making Section).

(xxii) Head Store-keepers.

(xxiii) Watch and Ward Officer.

(xxiv) Security Officer.

(xxv) Head Time-keeper or Time-keeper where there is no post of Head Time-keeper.

(xxvi) Line Superintendents.

- (xxvii) Power House Superintendents.
 (xxviii) Assistant Foreman.
 (xxix) Meter Inspector.
 (xxx) Telephone Supervisors.
 (xxxi) Permanent Way Inspectors.
 (xxxii) Chargeman.
 (xxxiii) Medical Officer.
 (xxxiv) Legal Officer.
 (xxxv) Welfare Officer.
 (xxxvi) Chief Draftsman.
 (xxxvii) Head of Planning and Progress.
 (xxxviii) Inspectors.
 (xi) Laboratory Incharge.
 (x) Technicians.
 (xli) Despatch Incharge.
 (xlii) Any other persons employed solely in a Supervisory capacity who in the opinion of the State Government, holds a position of supervision or management and is so declared by it in writing.

(2) The following persons shall be deemed to hold positions of supervision or management in sugar factories :—

- (i) General Manager.
 (ii) Deputy General Manager.
 (iii) Manager.
 (iv) Cane Manager.
 (v) Deputy Cane Manager.
 (vi) Cane Superintendent, where there is no Cane Manager.
 (vii) Chief Chemist.
 (viii) Labour Welfare Officer.
 (ix) Chief Engineer.
 (x) Secretary to the Managing Agent.
 (xi) Personal Assistant to General Manager.
 (xii) Cane Development Officer.
 (xiii) Secretary.
 (xiv) Deputy Secretary.
 (xv) Foreman.
 (xvi) Workshop Incharge.
 (xvii) Electrical Foreman.
 (xviii) Store Purchase Officer/Head Store-keeper.
 (xix) Deputy Chief Chemist.
 (xx) Deputy Chief Engineer.
 (xxi) Electrical Engineer.
 (xxii) Chemist.
 (xxiii) Laboratory Incharge.
 (xxiv) Labour Superintendent.
 (xxv) Labour Officer.
 (xxvi) Legal Officer.
 (xxvii) Watch and Ward Officer/Incharge, Watch and Ward.
 (xxviii) Medical Officer.
 (xxix) General Secretary.
 (xxx) Head Electrician.
 (xxxi) Assistant Engineer/Shift Engineer.
 (xxxii) Overseer Incharge.
 (xxxiii) Transport Inspector Incharge.
 (xxxiv) Assistant Manager.
 (xxxv) Security Officer.
 (xxxvi) Manufacturing Chemist.
 (xxxvii) Supervisors.
 (xxxviii) Civil Engineers.
 (xi) Inspectors.
 (xl) Cane Officer Incharge.
 (xli) Time-keeper.
 (xlii) Any person, who in the opinion of the State Government holds a position of supervision or management and is so declared by it in writing.

4. Persons employed in confidential positions.—The following persons shall be deemed to hold confidential position in a factory :—

- (i) Stenographer attached to the Head of Department.
 (ii) Office Superintendent.

- (iii) Head Clerk where there is no Office Superintendent.
 (iv) Head Munim where there is no Office Superintendent or Head Clerk.
 (v) Head Accountant or Accountant where there is no Head Accountant.
 (vi) Head Time-keeper or Time-keeper where there is no Head Time-keeper.
 (vii) Cashier.
 (viii) Any other person, who in the opinion of the State Government, holds a confidential position and is so declared by it in writing.

5. **Maintenance and exhibition of list of persons holding confidential position or position of supervision or management.**—A list showing the names and designations of all persons employed in the factory to whom the provisions of sub-section (1) of section 64 have been applied shall be maintained and exhibited at a conspicuous place in the premises of each factory.

6. **Exemption of certain adult workers.**—Adult workers engaged in factories specified in Column 2 of the Schedule given below on the work specified in column 3 shall be exempted from the provisions of the sections specified in column 4 subject to the conditions, if any, specified in column 5 thereof and a notice to this effect showing the names of the workers, to be employed at a conspicuous place in the factory and a copy thereof shall be sent to the Inspector and the Chief Inspector.

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Section of the Act empowering the grant of exemption	Class of Factories	Nature of work on which employed	Extent of exemption	Conditions
64(2)(a) and 64(3)	All Factories	Workers engaged on urgent repairs. The following shall be considered to be urgent repairs :— (a) Repairs to any part of the machinery, plant or structure of factory which are of such a nature that delay in their execution would involve danger to human life or safety or the stoppage of manufacturing process. <i>Explanation.</i> —Periodical cleaning is not included in the terms "examining" or "repairing". (b) Break-down repairs to motive power, transmission, or other essential plant of factories, collieries, railways, tramways, motor transport, gas, electrical generating and transmission, pumping carried in emergency work and foundries which are necessary to enable such concerns to maintain their main manufacturing process, production or service during normal working hours or according to schedule. (c) Repairs in connection with a change of motive power for example, from steam to electricity or <i>vice versa</i> , when such work cannot possibly be done without stoppage of the normal manufacturing process.	Sections 51, 52, 54, 55, 56 and 61	(i) No worker shall be employed for more than 15 hours on any one day or 39 hours during any three consecutive days or 70 hours, during each period of seven consecutive days commencing from his first employment on urgent repairs. (ii) Within twenty-four hours of the commencement of the works notice shall be sent to the Inspector describing the nature of the urgent repairs, the names of persons employed and the exact time of commencement of work and the probable period required for its completion. (iii) Exemption from the provisions of section 54 of the Act shall apply only in the case of male adult workers. (iv) No worker shall be employed for more than 14 consecutive days without a rest period of 24 hours.

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Workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory.

(i) Work in the Boiler Houses, Engine Rooms, Mechanic shops, the smithy or the foundry or furnaces of rolling mills or in connection with the mill gearing the electric driving or lighting apparatus the mechanical or electrical lifts or the steam or water or pumps of a pipes factory : Sections 51, 54, (a) In case of exemption from sections 55, 56 and 61 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.

(b) In case of exemption from section 55 rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.

(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.

(ii) Work of examination or carrying out minor repairs of any machinery or other part of the plant. Sections 51, 54, (a) In case of exemption from sections 55, 56 and 61 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.

(b) In case of exemption from section 55, rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.

(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.

(iii) Work of preparation of pay rolls Sections 51, 54, (a) In case of exemption from sections 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.

(b) Spread over inclusive of interval for rest shall not exceed 12 hours in any one day.

64(2)(c) and 64(3) All Factorles

(i) Workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty or ordinarily amount to more than the intervals for rest required by or under section 55.

(i) Work performed by drivers on lighting, ventilating and humidifying apparatus Sections 51, 54, (a) In case of exemption from sections 55, 56 and 61 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.

(ii) Fire Pump men

(iii) Workmen engaged in loading or unloading or transporting raw materials or finished articles in Factories where such work is of intermittent nature

(b) In case of exemption from section 55, rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.

(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.

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64(2)(d) and 64(3) <i>concl'd</i>	See Factories— <i>concl'd</i>	Workers engaged in any work which for technical reasons must be carried on continuously	Sections 51, 52, 54, 55, 56 and 61	<p>(a) In case of exemption from sections 51 and 54 no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(b) In case of exemption from section 55, rest for half-an hour shall be given for meals to each worker during the first six hours of his work.</p> <p>(c) Spread over inclusive of interval forrest shall not exceed 12 hours in any one day.</p> <p>(d) In case of exemption from section 52, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(e) No worker shall be employed on two consecutive 8 hours shifts for more than once in any period of 3 days.</p> <p>(f) The next shift of the shift workers employed on two consecutive 8 hours shall not commence before a period of 8 hours has elapsed.</p> <p>(g) Exemption from the provision of section 61 of the Act will apply in so far as it relates to the specifications of the period of rest intervals in the notice of periods of work and weekly off days.</p>
64(2)(e) and 64(3)	Factories manu- facturing arti- cles of prime necessity	Workers engaged in making or supply- ing articles of prime necessity which must be made or supplied every day	Section 52	In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after six days work in the manner laid down in section 52 of the Act.
64(2)(f)	Seasonal factories	Workers engaged in a manufacturing process which cannot be carried on except during fixed seasons	Section 52	In case of exemption from section 52 where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days in the manner laid down in section 52 of the Act.
64(2)(g)	Rice Mills	Workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces (Work of boiling drying, lifting and storing of paddy in rice mills)	Sections 52, 55 and 61	<p>(a) In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(b) In case of exemption from section 55 rest for half-an-hour shall be given for meals to each worker during the first six hours of his work.</p> <p>(c) Exemption from the provision of section 61 of the Act will apply in so far as it relates to the specifications of the periods of rest intervals in the notice of periods of work and weekly off-days.</p>
64 (2) (h)	All Factories	Workers engaged in engine rooms or boiler-houses or in attending to power- plant or transmission machinery	Section 52	In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.
64(2)(i)	Factories where printing of newspapers is carried on	Workers engaged in the printing of newspapers who are held up on ac- count of the break down of Machinery	Sections 52, 54 and 56	(a) In case of exemption from section 52 where the work is of continuous nature the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.

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64(2)(i) <i>conold</i>	Factories where printing of newspapers is carried on- <i>conold</i>			<p>(b) In case of exemption from section 54 no worker shall work for more than 10 hours per day, 60 hours per week.</p> <p>(c) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p>
64(2)(i) and 64(3)	All Factories	Workers engaged in the loading or unloading of railway wagons, goods, vehicles, tractors or trolleys	Sections 51, 52, 54, 55 56 and 61	<p>(a) In case of exemption from sections 51 and 54, no worker shall work for more than 10 hours per day or 60 hours per week.</p> <p>(b) In case of exemption from section 52, where the work is of continuous nature, the worker shall get 24 hours rest by rotation after 6 days work in the manner laid down in section 52 of the Act.</p> <p>(c) In case of exemption from section 55, rest for half-an-hours shall be given for meals to each worker during the first six hours of his work.</p> <p>(d) Spread over inclusive of intervals for rest shall not exceed 12 hours in any one day.</p> <p>(e) Exemption from the provisions of section 61 of the Act will apply in so far as it relates to the specifications of the periods of rest intervals in the notice of periods of work and weekly off-day.</p>

P. P. CAPRIHAN,

Commissioner and Secretary to Government, Haryana,
Labour and Employment Departments.

The 14th August, 1975

No. 10214-4Lab-75/27625.—In exercise of the powers conferred by Proviso to rule 4 of the workmen's Compensation (Occupational Diseases) (Punjab) Rules, 1964, made under the Workmen's Compensation Act, 1923, the Governor of Haryana hereby recognizes the Pneumoconiosis Medical Board constituted by the Government of India, Ministry of Labour, vide order No. 4689, dated the 2nd April, 1974 with respect to workmen employed in mines, for the State of Haryana.

P. P. CAPRIHAN,

Commissioner and Secretary,
to Government, Haryana Labour Department.

The 15th September, 1975

No. 10419-4 Lab-75-28270.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Bharat Rubber Mills, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT HARYANA, ROHTAK

Reference No. 131 of 1970.

Between

Shri Chhida Ram and the management of M/s Bharat Rubber Mills, Faridabad.

AWARD

By order No. ID/PD/4-H-69/17609-13, dated 23rd June, 1970, of the Governor of Haryana, the following dispute between the management of M/s Bharat Rubber Mills, Faridabad and its workman Shri Chhida Ram

was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Chhida Ram was justified and in order ? If not, to what relief is he entitled ?"

Usual notices of the reference being sent to the parties, they had appeared before this court last on 17th November, 1972 where after the management absented and notices for their services were issued again. None appeared for the management on 27th August, 1975 despite their service *vide* registered letter acknowledgement due *Ex parte* proceedings were therefore, taken up against them on that date.

Whereas the workman alleged *vide* notice of demand dated 22nd May, 1969 served on the management and the statement of claim dated 24th September, 1970 that his services had been terminated by the management without sufficient cause and without service on him of the charge-sheet and without enquiry, the management pleaded *vide* reply that the workman absented himself from duty w.e.f. 1st March, 1969 whereafter he joined duty on 26th March, 1969 and worked only for 3 days till 1st April, 1969 and then absented himself. The management thus set up a case that the name of the workman was struck off the rolls on 13th April, 1969 as result of his continued absence. The management pleaded that the workman remained employed with some other concern during this period and his name had to be struck off unavoidably.

The management having absented themselves in this court on the dates of hearing fixed in the case despite full knowledge thereof, it seems that they are not interested in their defence and have no evidence to adduce in support of their written reply relating to the workman having himself abandoned their service.

The workman however, made his own statement in support of his claim while deposing that his services were terminated by the management w.e.f. 6th April, 1969 without enquiry and that he had thus to approach the Conciliation Officer in support of his demand made by him on the management on 22nd May, 1969.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have not taken care to appear and adduce evidence in support of their pleas.

I, therefore, relying on the evidence of the workman hold that this is a case of unjust termination of his services by the management w.e.f. 6th April, 1969 and not a case of abandonment of services by the workman. I accordingly hold that the termination of services of Shri Chhida Ram was unjustified and that he is entitled to all back wages w.e.f. 6th April, 1969 with continuity of service. I answer the reference accordingly with no order as to costs.

Dated 3rd September, 1975

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2203 Dated 4th September, 1975.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

M. SETH,

Commissioner and Secretary to Government,
Haryana, Labour and Employment Departments.